

REMARKS

Claims 1, 3, 5, 7, 9, 11, 13, 15, 16, 18-27 and 32-41 are currently pending. By this response to the non-final Office Action mailed on October 29, 2008, claims 1, 16, 18, and 35 are amended, and claims 37-41 are canceled without prejudice. The amendments are supported by the specification, including the claims, as filed. No new matter has been added. Favorable reconsideration of the application in light of the foregoing amendments and following comments is respectfully solicited.

Rejection Under 35 U.S.C. § 101

On page 6 of the Office Action, claims 37-41 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As claims 37-41 are canceled without prejudice, this rejection is moot.

Rejections Under 35 U.S.C. § 103(a)

On page 7 of the Office Action, claims 1, 3, 5, 7, 9, 11, 13, 15, and 18-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,155,722 (Hilla) in view of U.S. Patent App. Pub. No. 2003/0126260 (Husain). On page 23 of the Office Action, claims 16 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilla in view of U.S. Patent No. 6,505,269 (Potter). On page 27 of the Office Action, claims 32-34 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilla in view of Potter and U.S. Patent No. 5,274,815 (Trissel). On page 31 of the Office Action, claims 37-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hilla in view of Trissel. Applicants respectfully traverse.

Claims 1 and 18 each recite, *inter alia*,

the compiler inserts a program that substitutes an equivalent process for the process identified by the program inserted in the process identifying step, based upon results of the program inserted into the input program in the determining step; wherein

the equivalent process is equivalent to the process identified by the program inserted in the process identifying step, and makes reduced use of the resource.

The Office Action asserts that Husain's users of computer blades 401 and 403 disclose the recited "process" and "equivalent process." See Office Action, page 8, line 20 to page 9, line 2. However, even if, for the sake of argument, the users in Husain were to disclose a process and equivalent process, Husain does not disclose a method in which a compiler inserts a program to substitute the original user of computer blade 403 with the original user of computer blade 401 into an input program. Husain does not even disclose the use of a compiler, let alone in the manner recited. Page 8, lines 13-14 of the Office Action acknowledges that Hilla does not teach the recited "substituting step;" thus, it is unable to bridge the above gap between the claims and Husain. Also, Husain does not aim to automatically avoid resource contention by a processor only implementing a compiled program. Thus, claims 1 and 18 are not obvious in view of the cited art. Accordingly, Applicants respectfully request withdrawal of the rejections of independent claims 1 and 18, as well as dependent claims 3, 5, 7, 9, 11, 13, 15, and 19-27, as "dependent claims are nonobvious if the independent claims from which they depend are nonobvious." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992); accord MPEP § 2143.03 ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious").

Claim 16 recites, *inter alia*,

the first processor can access a plurality of memory banks of a memory only for the first processor by using a same address, and the plurality of memory

banks includes a first memory bank and a second memory bank, the first memory bank including a program providing the processing request of the first processor to the second processor, and the second memory bank including a program executed by the first processor.

Claim 35 recites, *inter alia*,

a plurality of memory banks of a memory for the first processor that are accessible by only the first processor by using a same address, the plurality of memory banks including a first memory bank and a second memory bank, the first memory bank including a program providing the processing request of the first processor to the second processor, and the second memory bank including a program executed by the first processor.

Potter, col. 7, lines 34-35 states “each column of processors may access two external memory arrays 410a, b;” thus, Potter discloses that a plurality of processors can access both external memory arrays. However, according to claims 16 and 35, the recited “plurality of memory banks” can be accessed only by the first processor. The recited plurality of memory banks includes a “first memory bank including a program providing the processing request of the first processor to the second processor” and a “second memory bank including a program executed by the first processor.” The programs stored in the first and second memory banks are executed by the first processor. Even if, for the sake of argument, the system disclosed by Potter were used such that a pair of banks (*e.g.*, bank 0 of 410a and bank 0 of 410b) were designated to a processor (*e.g.*, Processor 0), Potter does not disclose or suggest that one bank includes “a program providing [a] processing request of the first processor to the second processor” (*e.g.*, Processor 1) and that a second bank includes “a program executed by the first processor.” Hilla does not bridge this gap between the claims and Potter, as page 25, lines 14-19 of the Office Action acknowledge that the above limitations are not taught by Hilla. Nor does Trissel bridge this gap. Thus, claims 16 and 35 are not obvious in view of the cited art. Accordingly,

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Applicants respectfully request withdrawal of the rejections of independent claims 16 and 35, as well as dependent claims 32-34 and 36.

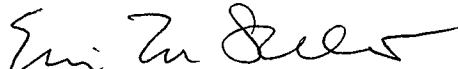
Conclusion

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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